

BOMBAY ACT No. II OF 1874.

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17 to 52. [*Repealed.*]BOMBAY ACT No. II OF 1874^[a].

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 15th January, 1875.)

An Act for the regulation of jails in the City and Presidency of Bombay and the enforcement of discipline therein.

Preamble. [*Repealed by Act IX of 1894.*]

[^a] Civil jails in the Presidency of Bombay outside the City of Bombay are administered under sections 9 to 16 of Bom. Act II of 1874, as amended by subsequent enactments—see Act IX of 1894, s. 1 (4).

Bom. Act II of 1874 has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the Island of Perim—see Appendix to Vol. I of this Code, p. lix.

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PARTS I AND II.

PRELIMINARY ; CLASSES OF JAILS.

1 to 7. [*Repealed by Act IX of 1894.*]

PART III.

CIVIL JAILS.

8. [*Limitation of application of Part III.*] *Repealed by Act IX of 1894.*

Civil jail to be at seat of each District Court, and may be at other places.

9. There shall be a civil jail at the seat of the District Court for each district created under section 3 of Act XIV of 1869 [*] : Provided that it shall be in the power of the Governor in Council to establish civil jails at other convenient places.

Názir of District Court to be keeper of civil jail and to have establishment under him.

10. The názir of the District Court or of the chief Civil Court at the place where the civil jail is located shall be *ex officio* keeper of the civil jail, and shall be responsible for the safe custody of the prisoners and for the preservation of cleanliness and good order in the jail and among the prisoners, and shall have such establishment under him as the District Judge, with the sanction of the Governor in Council, may direct.

Judge to visit civil jail.

11. The Judge or the Assistant Judge of the district in which a civil jail is situated shall visit such civil jail at least once in each month, and shall issue in writing such orders connected with the economy of the jail, the good management, health and accommodation of the prisoners, as he may think fit.

He shall record the date of his visit, and any remarks he may have to make, in a book to be kept for the purpose.

Medical officer to attend jail.

12. A medical officer to be appointed by the Governor in Council shall attend the civil jail, and shall be bound to offer such advice to the District Judge, or other officer in charge of the civil jail, as may seem expedient to him with regard to the sanitary state of the jail and of the prisoners.

Remedies administered at expense of Government.

He shall also administer remedies at the expense of the Government to the sick : Provided that nothing contained in this section shall prevent a prisoner in a civil jail from employing at his own expense any medical man he may think fit to consult.

Strangers may be admitted to civil jail.

13. The civil jail shall be opened daily for the admission of those wishing to visit prisoners from 9 A.M. till 3 P.M., and no stranger shall be allowed to

[*] Printed in Vol. I of this Code, p. 128.

remain in the civil jail beyond the above mentioned hours except by permission of the Judge, the Assistant Judge of the district, or on the recommendation of the medical officer by the permission of the nâzir in charge of the jail.

14. *Clause 1.*—Prisoners in the civil jail may either make their own arrangements for their subsistence, or may, within the amount of subsistence-money or batta furnished by the party at whose suit they are detained, require the nâzir to furnish their food and other necessaries out of the subsistence-money fixed for them by the Court by which they are committed: provided that excess in the use of intoxicating liquors or drugs be strictly prohibited. A tariff of prices approved by the District Judge on the first day of each month shall be kept in each civil jail and shall be accessible to all the prisoners.

Subsistence of prisoners in civil jails.

Clause 2.—Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the nâzir with such clothing and bedding as may be ordered by the Judge or Assistant Judge under the provisions of section 11 of this Act.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the nâzir on demand in writing the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

15. Whenever a prisoner shall die in the civil jail, the nâzir shall immediately report such death to the nearest Magistrate, who shall thereupon inquire into the cause of such death, and make a written report thereon to the Inspector-General of Prisons, and the corpse of such prisoner shall, after the medical officer appointed under section 12^[a] has certified to his death, be made over to his relatives or friends ^[b] if any be present and willing to take charge of it ^[b].

Disposal of corpse of prisoner dying in civil jail.

^[c] If no relative or friend of a prisoner who has died in prison is present and willing to receive and dispose of his corpse, it shall be buried, burnt or otherwise disposed of.

^[d] 16. If, at the time of a prisoner's death or release, any of the subsistence-money furnished by the party at whose suit such prisoner was detained remains unexpended, notice shall be forthwith given to the party paying the

Disposal of subsistence-money in hand on prisoner's death or release.

^[a] Words repealed by Bom. Act III. of 1886 are omitted.

^[b, b] These words were substituted for the original words by Bom. Act II of 1882, s. 1.

^[c] This clause was added by Bom. Act II of 1882, s. 1.

^[d] This section was substituted for the original s. 16 by Bom. Act II of 1882, s. 2.

same, and the balance so remaining unexpended shall be returned to such party or his representatives: Provided that he or they claim payment thereof within three months from the date of such notice; failing which such balance shall become the property of Government.

Cost of disposing of corpses and other expenses connected with civil jail to be provided by Government.

The cost of disposing of the corpses of deceased prisoners under clause 2 of the last preceding section, and of procuring comforts for sick prisoners, and generally for the maintenance of the civil jail, shall be provided by Government subject to such rules as Government may from time to time prescribe in this behalf.

PARTS IV TO XIV.

[CRIMINAL JAILS; SUPERINTENDENTS OF CRIMINAL JAILS, AND THEIR DUTIES; JAILORS AND THEIR DUTIES; MEDICAL OFFICER; PRISON OFFENCES; OFFENCES IN RELATION TO JAILS; VISITS TO, AND CORRESPONDENCE OF, PRISONERS; DISCHARGE OF PRISONERS; VISITORS OF JAILS; EXTRAMURAL GANGS; MISCELLANEOUS.]

17 to 52. [*Repealed by Act IX of 1894.*]

THE BOMBAY HEREDITARY OFFICES ACT.

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SCHEDULE.—[*Repealed.*]

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BOMBAY ACT No. III OF 1874 [a].

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 5th February, 1875.)

An Act to amend the law relating to hereditary offices.

Preamble.

WHEREAS it is expedient to declare and amend the law relating to hereditary offices; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called the Bombay Hereditary Offices Act.

It extends to the regulation districts and to all villages therein, whether alienated or otherwise, so far as its provisions shall not conflict with the terms on which any such alienated village may have been secured to the holder thereof.

Nothing in this Act shall affect the powers of Government to deal with any wátán or parts of wátáns, or with the profits thereof, respectively, under Act No. XI of 1852^[b], or Bombay Acts Nos. II^[c] and VII^[d] of 1863, or any other law at present in force with respect thereto.

[a] In applying Bom. Act III of 1874 (as amended by Bom. Act V of 1886) to Matáddárs in the Districts of Ahmedabad, Kaira, Broach and Surat, and in villages in the Páñch Maháls district to which Bom. Act VI of 1887 is extended,—

(1) the meaning of the terms “ wátán ” and “ wátándár ”, and ss. 33, 34 and 60, are subject to modification; and

(2) ss. 24 to 31, 36 to 59, 61, 62, 67, 69 and 71, parts of s. 73, and the definitions of “ wátándár ” and “ representative wátándár ” in s. 4, are to be deemed to be repealed—see Bom. Act VI of 1887, ss. 1 and 3, in Vol. III of this Code.

Subject to the said modifications and repeals, Bom. Act VI of 1887 is to be read as one with Bom. Act III of 1874—see Bom. Act VI of 1887, s. 4. For further modifications, see ss. 5 *et seq.* of the latter Act.

[b] Printed in Vol. I of this Code. p. 60.

[c] Printed *supra*, p. 17.

[d] Printed *supra*, p. 65.